

CHAPTER 20: CONTINGENCY PLANNING

CHAPTER 20: CONTINGENCY PLANNING	2
EMERGENCY EVACUATION.....	2
ESSENTIAL FOR OVERSEAS LIVING	2
WHEN YOU ARE ASSIGNED TO POST	4
<i>When You Arrive At Post.....</i>	4
WHEN CONDITIONS ARE UNCERTAIN	5
WHEN THERE IS AN EVACUATION OR EMERGENCY PHASEDOWN.....	5
WHEN YOU ARE AT SAFEHAVEN	6
WHEN YOU RETURN TO POST OR RECEIVE A NEW ASSIGNMENT.....	6
DIVORCE.....	6
CONSIDERATIONS	7
LEAVING POST	7
CHILDREN AND SEPARATION.....	8
<i>Garnishment of Wages.....</i>	8
MEDICAL AND HEALTH CONCERNS	8
<i>Former Spouse Health Benefits</i>	8
<i>Temporary Continuation of Coverage (TCC)</i>	9
OTHER ENTITLEMENTS OF FAMILY MEMBERS.....	9
PENSION RIGHTS FOR FORMER SPOUSES	9
DEATH.....	9
HOW TO PREPARE	10
WHEN OVERSEAS	10
REGULATIONS AND ALLOWANCES	11
SURVIVOR ENTITLEMENTS.....	11
<i>Unpaid compensation.....</i>	12
<i>Refund of retirement contributions (3 FAM 6000).</i>	12
<i>Federal Employees Group Life Insurance benefits (FEGLI).</i>	13
<i>Survivor benefits under the Foreign Service Retirement and Disability System (FSRDS).....</i>	13
<i>Survivor benefits under the Foreign Service Pension System (FSPS).</i>	14
<i>Medical examination for surviving dependents.</i>	14
<i>Federal Employees Health Benefits coverage (FEHB).</i>	15
<i>Compensation for work-related death.</i>	15
<i>Death from terrorist action.....</i>	17
<i>Personal papers and documentation.....</i>	17
RESOURCES	18
<i>Organizations</i>	18
<i>Family Liaison Office Publications.....</i>	20
<i>Office of Casualty Assistance Publications</i>	20
EMERGENCY TELEPHONE NUMBERS.....	20
<i>Agency for International Development Employees:</i>	20
<i>Animal, Plant, and Health Inspection Services Employees:.....</i>	20
<i>Department of State Employees:</i>	21
<i>Foreign Agricultural Service Employees:</i>	21
<i>Foreign Commercial Service Employees:</i>	21
<i>Peace Corps.....</i>	21
SAMPLE JOINT PROPERTY STATEMENT	22
SAMPLE AUTHORIZATION TO RECEIVE GOODS SHIPPED FROM POST.....	23

CHAPTER 20: CONTINGENCY PLANNING

EMERGENCY EVACUATION

Foreign Service families have always lived with the possibility of evacuation. Modern transportation and communication equipment have speeded up the evacuation process. The Department of State takes responsibility for the following:

- Informing you of the emergency evacuation plan for your post.
- Transporting you to a safehaven.
- Paying for shipping your air freight or giving you an allowance in lieu of shipping the air freight (usually this is for cases where the employee does not have time to arrange for air freight shipment prior to leaving post).
- Paying you an evacuation allowance during the length of your evacuation, up to 180 days.
- Returning you to post or to a new assignment.

The Family Liaison Office (M/DGHR/FLO) is the main point of contact for evacuees. It responds to concerns, answers questions, and helps solve individual problems. During an evacuation, the affected Bureau may form a working group to deal with personnel and administrative issues.

Evacuations are stressful experiences that raise questions including: Where to go? What to take? What personal papers are necessary? Many stresses and frustrations can be reduced by advance evacuation planning on *your* part. It is better to do contingency planning and not need it than to need it and have no time to do it.

ESSENTIAL FOR OVERSEAS LIVING

() 1. Make a list of the following for all family members, to be carried with you and also to be left with a trusted contact at home:

- Name and date of birth
- Passport numbers and dates of issue
- Bank account numbers
- Credit card numbers
- Insurance policy numbers
- Car registration, serial and license numbers
- U.S. driver's license numbers
- Social Security numbers
- Current prescriptions, including eyeglasses
- Contents and location of safe repository
- Assets and debts
- Names and addresses of business and professional contacts

() 2. Locate a safe place in the United States and put into it the original of your:

- Will
- Power of attorney
- Birth and marriage certificates
- Naturalization papers (Note: certification of naturalization may now be copied)
- Deeds
- Mortgages
- Stocks*
- Bonds*
- Insurance papers—life, car, house, medical, and household effects
- Current inventory of household effects and personal possessions
- Medical and dental records
- School records
- Tax records

Take copies of the above with you and consider leaving copies with a trusted contact or in a safe place.

* Consider leaving these with broker in case you want to sell.

() 3. Execute a current power of attorney for each adult family member and make several copies with the original signature. These are needed to transact business on behalf of spouse and other adults.

() 4. Update your will and have several copies made. Put original in a safe repository and give copies to executor, lawyer, or trusted person.

() 5. Learn the current tax and property laws as they apply in your state of legal residence and place of domicile.

() 6. Make and continually update an inventory of all your possessions including jewelry and clothing. Have a separate inventory of items in storage. These may be written, tape-recorded, videotaped, photographed, and/or put on computer diskettes.

() 7. Establish credit that will be adequate for any emergencies.

() 8. Keep a listing of regular billing dates for all recurring expenses— insurance, mortgage, and taxes. Arrange direct or Internet online payment if possible.

() 9. Establish a joint checking account, or two joint checking accounts, enabling each spouse to work from either account in the event of separation for a period of time.

() 10. Have the employee's paycheck sent to a U.S. bank account rather than to post. ' Checks lost in the mail can cause extraordinary difficulties.

() 11. Obtain individual credit cards for employee and spouse.

() 12. Insure all property and update insurance policies periodically.

- () 13. Put in a safe but easily accessible place, your checkbooks, bankbooks, some traveler's checks, and a small amount of cash.
- () 14. Organize all employment history for adult family members including resumes and letters of reference. Keep duplicates in the United States.
- () 15. Keep an up-to-date locator card in the Employee Services Center (formerly Foreign Service Lounge) or with your agency. Be certain the person you name to contact in an emergency can deal with an emergency.
- () 16. Make duplicates of all personal address lists.
- () 17. Discuss with your family what you will do in case of an emergency separation (evacuation, hostage-taking, illness, or death).
- () 18. Decide who will be contacted in an emergency.
- () 19. Determine where you and each family member will go. (Think about the resources available to you in various locations.)

WHEN YOU ARE ASSIGNED TO POST

- () 1. Based on where you are being posted, decide whether to take or store sentimental or high value items.
- () 2. Update scrapbooks and photo albums. Consider leaving negatives or sentimental photos in your safe repository.
- () 3. Be sure your spouse knows how to operate and maintain such things as cars, washing machines, dryers, and furnaces.
- () 4. Always pack some winter and summer clothes to take to any post.
- () 5. Take Transition Center courses, such as the Security Overseas Seminar (SOS), Regulations, Allowances, and Finances (RAF), and others prior to departure.
- () 6. Give relatives the emergency phone numbers for your agency (see below).

WHEN YOU ARRIVE AT POST

- () 1. During orientation, learn about the emergency evacuation plan for your post.
- () 2. Keep up with the current security situation at post and attend security briefings and seminars while at post.
- () 3. Make an inventory (written, videotaped, and/or photographed), based on what you have brought to post and keep it updated.
- () 4. Learn at least some of the local language to help you in case of an emergency. In

the local language, post a list of instructions and essential phone numbers for household employees.

- () 5. Make the acquaintance of your neighbors early in your tour.
- () 6. Learn the location of the closest hospital, police station (if helpful), and a friendly embassy.
- () 7. If you have children in local schools, check on their emergency evacuation plan.
- () 8. Prepare a supply of identification tags for luggage and personal effects to be used for sudden evacuation.
- () 9. Find a "surrogate parent" at post with whom you may leave power of attorney for medical or other emergencies when you might be separated from your children.
- () 10. Maintain a separate first aid kit for emergency situations. Keep immunizations up to date and recorded in your yellow "shot card."
- () 11. After checking on the post's particular problems, such as frequent loss of electricity, water and food shortages, keep necessary items stored for emergencies.
- () 12. Give some thought to necessary items to take with you in the event of evacuation and items to be sent as air freight later, if this is provided.

WHEN CONDITIONS ARE UNCERTAIN

- () 1. Discuss possible evacuation plans with family members. Think about where you would like to stay for your safehaven in the United States you wish to go to a safehaven outside the United States, special permission is needed.
- () 2. Plan for pets if evacuation is declared, either preparing them for travel with up-to-date inoculation records and veterinary examinations, or finding a suitable home for them if it is necessary to leave them behind.

WHEN THERE IS AN EVACUATION OR EMERGENCY PHASEDOWN

- () 1. Pack luggage with suitable clothing and other necessities.
- () 2. Pack some toys, snacks, games, and books for children to use while traveling.
- () 3. Pack important papers and records to carry with you, as well as necessary medication.
- () 4. Take traveler's checks, personal checks, credit cards, and some U.S. and local currency with you. Also take your stateside and international driver's licenses.

- () 5. Wear practical traveling clothes, suitable for the climate of your destination and, when traveling with small children, carry on board one or more changes of clothing for them.

WHEN YOU ARE AT SAFEHAVEN

- () 1. Decide on housing, transportation, and schooling needs. They are interrelated.
- () 2. Apply for the Subsistence Expense Allowance (SEA), payable starting on the date following your arrival at the authorized safehaven, through the Finance and Management Policy Office at the State Department. Both FLO and your post will provide guidance on applying for SEA. This allowance terminates when the evacuation is ended or on the 181st day after the evacuation order is issued, whichever comes first. (See Chapter 3, "Allowances," and SR 600.)
- () 3. Advise the FLO Support Services Officer of your address and phone number. Keep these up to date with FLO and the Employee Services Center (formerly Foreign Service Lounge), if you move.
- () 4. Arrange for physical examinations through the Office of Medical Services (M/MED), Department of State, if it has been more than 2 years since your last examination.
- () 5. Think about the possibility of temporary employment, full or part-time, or volunteer work. Keeping busy can be useful.

WHEN YOU RETURN TO POST OR RECEIVE A NEW ASSIGNMENT

- () 1. Inform the FLO Support Services Officer, the Employee Services Center, and your agency of your change of address.
- () 2. Evacuees may be allowed up to 10 days to return to post from the termination date of the evacuation, so long as the total number of evacuation days is not greater than the 180 days allowed for evacuations.
- () 3. Upon return to post, evacuees must file a travel voucher with the Budget and Fiscal Officer who will administratively approve the voucher and forward it within 10 days to Financial Management Policy/Central Allotment Accounting (FMP/DFO/FO/A/AA/CAA) for certification. Should the evacuee not return to post due to a change in assignment, the voucher is to be filed with the regional bureau for administrative approval and forwarded to the above office for certification of payment.

DIVORCE

When a separation or divorce is contemplated overseas, access to marital and/or legal counsel may be a major problem. Within the overseas community, referrals can be

sought by consulting the Medical Officer, Consular Officer, Administrative Officer, CLO Coordinator, or Regional Psychiatrist. Trained professional help may be available in-country or at a neighboring post.

CONSIDERATIONS

Legal counsel can be difficult to locate overseas and foreign national lawyers are not generally familiar with American domestic law. The Family Liaison Office in the Department of State maintains a listing of Maryland, Virginia, and District of Columbia lawyers who have handled Foreign Service divorces. Lawyer referrals, other pertinent information on divorce, and the publication *The Foreign Service Family and Divorce* can be obtained by contacting the Support Services Officer in the Family Liaison Office (contact information below). This publication is also available in CLO offices overseas. FLO recommends that the family return to the United States to seek professional legal advice in the state where the divorce will be obtained. Professional help and confidential counseling by clinical social workers are also available in the Employee Consultation Service (ECS), by appointment or by telephone (see below for contact information).

LEAVING POST

If departure travel together is not possible and one spouse will be returning to the United States without the other, issues that should be addressed are:

1. **Method of Departure:** The spouse may return on "Advance Return of Family Financed by U.S. Government". (See 14 FAM 532.3) These orders can also authorize the shipment of household effects from the post. (14 FAM 618.1) The Chief of Mission or the principal officer must request such orders from the employee's agency or the regional bureau at the Department of State. The employee must sign a repayment agreement against his/her eventual transfer or, alternatively, the employee may send the family members home at personal expense and claim reimbursement later when the employee is transferred under routine reassignment procedures.
2. **Reason for Departure:** It is advisable for the couple to draft a document that clearly indicates that the separation is mutually agreed upon so that neither party will be liable for desertion of the other at a later date.
3. **Goods in Storage:** A spouse is not automatically entitled access to goods in storage. It is recommended that couples sign a Joint Property Statement when placing goods into storage. (A sample of such a statement appears at the end of this section.) This statement, when signed by both parties and *notarized*, will allow either spouse to gain access to goods held in storage. Such a statement does not, however, make the Department liable for costs pertaining to the access or transportation or separation of such items before the regularly authorized time of removal.
4. **Receiving Goods From Post:** A spouse must have written authority from the employee in order to sign for the delivery of goods shipped from post if the employee cannot be present. A sample form (Authorization to Receive Goods Shipped from Post) is included at the end of this section.

CHILDREN AND SEPARATION

Eligibility for all allowances is based on whether or not the child normally resides with the employee. Custody is not the only variable involved in determining eligibility for education allowances and other at-post benefits. Both the employee and spouse should consult with the FLO Support Services Officer for further details on how custody affects these benefits.

Regardless of custody, children (including step-children) can receive one paid trip per year to visit the other parent, when the employee is assigned abroad. "Travel of Children of Separated Parents" provides one round trip every 12 months for each child below the age of 21 to visit the other parent with whom the child does not normally reside. The travel is paid from the post to the nearest point of entry in the U.S., or vice versa. Further details about this benefit are outlined in 3 FAM 3750.

Garnishment of Wages

If a court order states that an employee/retiree is obligated to pay alimony and/or child support and the employee/retiree fails to do so, the Department can garnish the wages to remove the arrears (P.L. 9530). Writs of garnishment must be obtained from the court and sent to the appropriate legal office in the employee's agency for processing. The FLO Support Services Officer can advise spouses where to forward these documents.

MEDICAL AND HEALTH CONCERNS

Former Spouse Health Benefits

(see also <http://hrweb.hr.state.gov/RET/FormerSpouseBenefits.pdf>)

A divorced spouse may not remain on the employee's health insurance plan as a family member. However, a divorced spouse of a participant or annuitant under the Foreign Service Retirement and Disability System and the Foreign Service Pension System may enroll in the Federal Employee Health Benefit (FEHB) plan if the following requirements are met:

- 1) The spouse does not remarry before age 55 and
- 2) The spouse was enrolled in a health plan as a family member at any time during the 18 months preceding the date of divorce or annulment, and
- 3) The spouse receives or has future entitlement to receive an annuity or survivor annuity payable under the Foreign Service Retirement and Disability System.

Generally, a former spouse must within 60 days after the dissolution of marriage enroll in an approved health benefits plan as an individual or for self and family. The spouse must pay the full subscription charge of the enrollment (both the government and employee share). For further information on this plan and to determine eligibility, contact the Retirement Division (see contact information below).

Temporary Continuation of Coverage (TCC)

(see also <http://hrweb.hr.state.gov/RET/tcc.html>)

Former spouses not otherwise entitled may temporarily (up to 36 months) continue their FEHB coverage. Effective on January 1, 1991, either the employee or the former spouse may notify HR/RET within 60 days after the divorce and loss of the regular FEHB coverage to continue it (PL 100-654). (See also Chapter 6, "Insurance.")

OTHER ENTITLEMENTS OF FAMILY MEMBERS

Children may remain on the employee's health plan regardless of which parent has custody.

Family members returning from post are entitled to a physical examination in the Department. For further information regarding health concerns, contact the Medical Division (contact information below). Employees and family members with State, AID, FAS, and FCS contemplating separation or divorce can contact the Employee Consultation Service (ECS) in MED for confidential, free counseling on this as well as other family concerns.

PENSION RIGHTS FOR FORMER SPOUSES

Under provisions of the 1980 Foreign Service Act, a former spouse who is divorced on or after February 15, 1981, has pension rights if the spouse has been married to the employee for at least 10 years of the employee's creditable service. (Five of the 10 years of marriage must have been while the employee was a member of the Foreign Service. This is for the divorcing spouse of employees in the Foreign Service Pension System.) To be eligible, the former spouse must not have remarried prior to age 55. A former spouse will automatically receive a pro rata share of the employee's pension benefits up to 50 percent. The share will be based upon the number of years of marriage during the employee's creditable service.

Spouses of Foreign Service employees, if qualified, may receive a survivor annuity up to 55 percent of the principal's retirement annuity unless at retirement the spouse of the employee has waived this right to an annuity. This is for the divorcing spouse of employees in the Foreign Service Retirement and Disability System. Qualified former spouses may receive a pro rata share of the survivor's annuity up to 55 percent, if they have not remarried prior to age 55. These rights may be modified by spousal agreement or by court order. For details, contact the Retirement Division.

DEATH

Thinking about and preparing oneself for the contingency of surviving one's spouse is not easy. The purpose of this section is to clarify some of the major actions, obligations, and requirements that affect the survivor. Since this section does not cover every possible circumstance or describe the scope and limitations of every benefit, the Foreign Affairs Manual (<http://arpsdir.a.state.gov/fam/fam.html>) should be consulted for more detailed information.

For the purposes of this section, it is assumed that there is a surviving family member at post. In the case of an employee who dies in travel status or while assigned to the

United States, or whose family members are not at post, some aspects of this discussion might not apply and the particular circumstances could have an influence on some of the benefits available.

HOW TO PREPARE

Once a year, the employee and his/her next-of-kin should review any previous decisions and plans in the light of changes in the family's circumstances. The financial resources that would be available to the survivors should be examined. Information on assets and liabilities should be brought up to date. Wills and letters of instruction should be reviewed. Ideas about the family's needs and how these would be met should be discussed. Questions such as how income could be supplemented, if necessary; where the family would live; what kind of insurance they would need should be answered. A frank discussion of each family member's wishes concerning medical care in the event of medical incompetence, or the artificial maintenance of life is vital. Beneficiary forms should be updated if necessary. This kind of preparation will assist survivors confronted with new realities and the need to make many immediate decisions.

WHEN OVERSEAS

Consular personnel at post brief the survivor on the local situation regarding disposition of remains: regulations and restrictions, practitioners, and the availability of suitable containers. Local laws and practices vary greatly and may be in conflict with the wishes of the family.

Consular personnel also prepare (and provide the survivor with at least 12 copies of) Form DS-2060, Report of Death of an American Citizen Abroad. This form is often used in connection with estate proceedings and is required as a basis for many of the government allowances and benefits described below. Form DS-2060 is not a substitute for telegraphic notification of the death from the post, nor is it the same as a certificate of death (a document issued by local authorities that verifies a person's death). The certificate of death, if issued in another language, should be translated into English (consular personnel can usually prepare an official translation). If death resulted from an accident, the locally issued certificate of death along with police reports and newspaper articles may be important for claiming insurance benefits. The survivor should review these documents carefully for accuracy.

The family of the deceased can expect the following from his/her home agency:

- Expenses in connection with remains: reasonable cost of preparing remains including the cost of embalming or cremating; casket or container suitable for shipment to the place of interment; necessary clothing.
- Expenses incurred in complying with local and U.S. laws.
- Transportation of remains from place of death to any place in the United States designated by next-of-kin.
- Travel expenses for family members from the post to the place of interment.
- Return of family to post to complete the school year and/or for packing out upon request.
- Shipment of household effects to separation address as designated by next-of-kin any time within 12 months of the date of death. Storage at U.S. Government expense is allowable for up to 90 days.

- Storage at U.S. Government expense for up to 90 days of household effects at point of origin or destination, and of permanent storage from the last day the employee was in pay status (waivers can be requested in both instances on a case-by-case basis for extenuating circumstances but may not exceed 180 days).
- Travel of family from post to selected location in the United States. This travel is the “final trip” from post and must take place within one year from the date of death of the employee.

The 12-month limit for expenses may be extended for an additional six months by an authorizing officer (orders must be amended). Expenses for travel, transportation of effects, and shipment of remains to the separation residence designated by the next-of-kin are paid on a cost-constructive basis. Although the designated separation residence must be in the United States, a foreign location may be used for any or all of the above on a cost-constructive basis.

Note that it may not always be possible for the survivor to be present at post to supervise packing of household effects.

REGULATIONS AND ALLOWANCES

While the survivor is at post, administrative personnel can provide information on the various regulations that affect her or him.

All allowances stop when the employee dies. However, Living Quarters Allowance (LQA) (DSSR 100) may, if authorized by the deceased employee’s agency, be extended for up to 60 days beyond the date of death. (If the employee was assigned to government-provided housing and therefore was not receiving LQA, surviving family members may remain in this housing at the post’s discretion.) Also, claims for the Education Allowance (DSSR 270) that were already processed at time of death do not, for practical purposes, have to be refunded.

Once the survivor arrives in the United States, personnel of the employee’s agency handle all aspects of survivor benefits and entitlements and can advise and assist the survivor about them. The family’s first stop should be the Employee Services Center where the processing for life insurance and other benefits is initiated.

The Office of Casualty Assistance (OCA) can provide guidance on the Home Service Transfer Allowance, workers’ compensation, and other benefits and entitlements. OCA can also provide information on resources and grief counseling. The Family Liaison Office (FLO) can advise and answer inquiries about spouse employment, continuing education, and education of children. The Employee Consultation Service (ECS) can provide brief counseling and make referrals (see contact information below).

SURVIVOR ENTITLEMENTS

Before describing further the various benefits to which a survivor may be entitled, a word needs to be said about designation of beneficiaries. An employee may designate beneficiaries for unpaid salary and unused annual leave, refund of retirement contributions, and Federal Employees Group Life Insurance benefits by filing appropriate designation of beneficiary forms for each of these payments. The forms allow the

employee to designate by name and/or relationship the person or persons to whom the particular payment will be made, and in what share.

If no beneficiary has been designated, payment will be made according to the legal order of precedence, spelled out precisely on each form, beginning with entire amount to the surviving spouse, to child or children in equal shares, to parents in equal shares or the entire amount to the surviving parent, or to a duly appointed legal representative of the estate of the deceased employee. It is not necessary to designate a beneficiary unless the employee wishes to name some person or persons not included in the order of precedence, or to name them in a different order or for a different share. However, a signed designation of beneficiary form streamlines the payment process and makes it easier for the survivor. Another point to keep in mind is that when a minor child becomes a beneficiary (either named or through the order of precedence), special court action becomes necessary that can greatly slow the payment process. Instead, the employee may want to consider designating the person who will be the child's guardian or the executor of the estate (by name) in order to avoid this difficulty.

Designations on the forms described below are not affected by a will. The employee may change or cancel a designation at any time by filing a new form (which completely cancels any designation filed previously). Find the forms on the Intranet at <http://arpsdir.a.state.gov/eform/>.

Three different forms are involved. Filing one does not have any bearing on the others and different beneficiaries may be designated on each. An employee's family situation may change due to marriage, divorce, death, birth, or any number of other circumstances. Such changes may warrant a cancellation of prior designation, or new designations. Remember that changes in designation do not occur automatically, but must be made by the employee.

Unpaid compensation.

Unpaid compensation due a deceased employee may include unpaid salary through the date of death, all amounts due in reimbursement of travel expenses, payment for all annual leave to which the employee was entitled as of the date of death, and unpaid allowances due the employee. The form for designating the beneficiary of any such unpaid compensation is Standard Form 1152, Designation of Beneficiary (Unpaid Compensation of Deceased Civilian Employee). The form for filing a claim for this unpaid compensation is Standard Form 1153, Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee.

Refund of retirement contributions (3 FAM 6000).

A lump-sum payment, consisting of a refund of retirement contributions deducted from the salary of a member plus other payments by the member to the fund, and interest as specified by law, is payable following the death of a member or former member of the Foreign Service Retirement and Disability System (FSRDS) or the Foreign Service Pension System (FSPS). This benefit is payable to the beneficiaries specified by the member or by law, equal to any portion of the member's retirement contributions remaining in the Fund after deducting the total of all annuity payments that may have been made to the member and to his/her eligible survivors. Another situation that may result in lump-sum refund upon the employee's death is when contributions made after

35 years of service are in excess of any special contribution due.

The lump sum is paid to the beneficiary or beneficiaries last designated by the member on a signed Form DS-5002, Designation of Beneficiary. A designation of beneficiary does not affect the right of any person who qualifies to receive survivor annuity benefits.

Federal Employees Group Life Insurance benefits (FEGLI).

The surviving spouse of a deceased employee who was enrolled in the FEGLI program may be a beneficiary as a result of having been so designated by the employee on Standard Form 2823, FEGLI Designation of Beneficiary, or as a result of the order of precedence if no designation of beneficiary was made. The appropriate office in Washington is responsible for advising the beneficiary immediately and for assisting the beneficiary in filing a claim for benefits (Form FE-6 FEGLI Claim for Death Benefits). Payment should be made within 60 days of FEGLI's receipt of the completed claim package.

Survivor benefits under the Foreign Service Retirement and Disability System (FSRDS).

In the event a member of the Foreign Service Retirement and Disability System (FSRDS) (an employee hired before January 1, 1984) dies during active service, a surviving spouse is automatically entitled to a regular survivor annuity provided that the member had at least 18 months of service credit under FSRDS excluding any credit for military service, and either the surviving spouse was married to the member for at least nine months immediately preceding the death, or is the parent of a child born of the marriage. In order to qualify, the spouse must elect to receive the Foreign Service survivor annuity in lieu of any other survivor annuity under the Foreign Service, Civil Service, or other retirement system for government employees. The maximum amount of regular survivor annuity a member may leave is 55 percent of the member's full annuity. This amount may be divided between a current spouse and any qualifying former spouses. (A qualifying former spouse is one who was married to the employee for at least 10 years, divorced after February 15, 1981, and who did not sign away annuity rights.)

To be eligible for an automatic survivor annuity, a child must either be under age 18, or under age 22 and an unmarried full-time student, or disabled and incapable of self-support regardless of age. The member must have had at least 18 months of service credit under FSRDS, excluding military service, for a child to be eligible. A child's survivor annuity is payable in addition to the surviving spouse's annuity. If the surviving spouse dies, or another child in the family becomes eligible or ineligible, the annuities to all children in the family are recomputed as if they were all becoming effective at that time.

The most recent child annuity rates are as follows:

- If the spouse survives, \$4,655.64 per annum or \$387.00 per month per child;
- If there is no surviving spouse, \$5,586.81 per annum or \$465.00 per month;
- If the number of eligible children exceeds three, then the applicable rate is multiplied by three and divided by the number of children.

These child annuity rates will be increased by future applicable cost of living adjustments (COLAs).

Survivor benefits are not actually paid until a qualified survivor submits a claim (JF-38, Application for Death Benefits). However, payments are retroactive to the day following the member's death.

Survivor benefits under the Foreign Service Pension System (FSPS).

In the event of a death-in-service of an employee who was hired after January 1, 1984, or who transferred to FSPS and who had at least 18 months creditable civilian service, benefits are payable to the eligible survivors. If the employee had more than 18 months of civilian service but less than 10 years of total service, the eligible spouse will receive a two-part FSPS benefit that may be taken in either a lump sum or over a 36-month period:

A lump-sum payment of \$24,354.74 (the last applicable cost-of-living increase as of December 1, 2002); plus 50 percent of the employee's final salary or high-three average salary, whichever is higher.

In addition, the eligible spouse is entitled to any Social Security benefits that may be payable plus any Thrift Savings Plan death benefits. Social Security provides survivor benefits to the eligible survivor of an employee who met the minimum Social Security eligibility requirement (18 months). The number of Social Security credits needed to qualify depends on when the employee was born and how old s/he was at the time of death.

If the employee completed 10 years of service, the survivor is entitled to an annuity equal to 50 percent of the unreduced annuity the employee would have been entitled to had the employee been of retirement age. This annuity is in addition to the above FSPS lump-sum benefit.

Under FSPS, the amount of the total children's annuity is reduced by the amount of Social Security children's benefits that are paid. Children's FSPS annuity benefits are paid under the same eligibility requirements and conditions as under FSRDS.

If the death is after retirement, the eligible spouse will be paid the survivor benefit elected at the time of retirement (maximum of 50 percent or minimum of 25 percent of the amount of the employee's unreduced annuity), plus any applicable cost-of-living increases. In addition, if the employee was under FSPS, a special retirement supplement will be paid to a spouse who is younger than age 62 and not yet eligible for Social Security benefits.

Medical examination for surviving dependents.

When an employee dies in service, eligible dependents who have ever accompanied the employee are eligible for a medical examination (3 FAM 1937). The examination should take place within 90 days of the employee's death (although an exception can be made by the Medical Director). Dependents over the age of 12 may be examined at the Department of State's Examination Clinic, or by a family physician with reimbursement

from the employee's agency; dependents under age 12 are normally examined by a family physician or pediatrician with expenses reimbursed by the employee's agency. *Failure to complete the examination process may result in the waiver of all claims to which the dependents may otherwise be entitled.*

Federal Employees Health Benefits coverage (FEHB).

For a survivor to remain enrolled in the FEHB plan following the employee's death, the employee (member) must have been enrolled for self and family at the time of death. (An important point to note: when husband and wife are each eligible for individual health benefits plan enrollments, they should consider that although two individual enrollments are less costly than one enrollment for self and family, there would be no continuing coverage for a survivor under the individual enrollment should the survivor lose eligibility for his or her own individual enrollment.)

A survivor is entitled to continue the FEHB if s/he will be entitled to a survivor's benefit upon the annuitant's death. If the survivor annuity is not enough to cover the FEHB premium, the surviving spouse would be billed for the difference. If the survivor is covered under the annuitant's FEHB and the annuitant did not elect a survivor benefit, the surviving spouse would not be eligible to continue the FEHB after the annuitant dies.

Eligible survivors may receive benefits through Social Security and Veterans Administration programs as well.

Compensation for work-related death.

Substantial financial benefits administered by the Department of Labor, Office of Workers' Compensation Programs (OWCP) are available to survivors of a civilian employee of the U.S. Government whose death results from personal injuries (including disease) sustained in the performance of duty under the provisions of 5 U.S.C. 8101-8150. The death must have been proximately caused i.e., due to or aggravated by employment. These benefits are not available when death was caused by the willful misconduct of the employee, where the employee's intention was to bring about his or her own or someone else's death, or when intoxication was the proximate cause of injury or death.

Survivors may be entitled to benefits pursuant to the Federal Employees Compensation if the employee's death was the result of a service-connected injury or illness. These benefits, described below, can be significantly greater than those the survivor would receive under the Foreign Service Retirement and Disability System or the Foreign Service Pension System (survivors entitled to benefits under both a retirement plan and Workers' Compensation must choose one).

While the survivor has three years to complete a claim for these benefits, the initial step toward establishing the conditions under which such a claim can be made must be taken soon after the death, and therefore should be taken if the post or the survivors have any reason to believe that the death may have been work related. Form CA-6, Official Superior's Report of Employee's Death, must be completed by the employee's official superior or other authorized official of the employing agency and submitted, along with a certified copy of the death certificate, to the Department of Labor's Office of Workers' Compensation. Questions about Workers' Compensation should be referred to the

employee's agency's liaison (see the contact list below).

A survivor who is entitled to both an annuity from the Foreign Service Retirement and Disability System and Workers' Compensation benefits must choose which of these s/he will receive. The OWCP claims process can be lengthy; until the claim is approved, an eligible survivor receives FSRDS annuity payments. Once OWCP advises FSRDS that the claim is approved, the annuity ceases. OWCP reimburses the FSRDS fund for annuity payments made, and the survivor receives the difference. In the event that all the eligible survivors of a deceased member of FSRDS elect to receive the OWCP benefits rather than the FSRDS annuity, a lump-sum payment refunding retirement contributions may be payable. If the survivor is eligible for Workers' Compensation benefits but chooses not to receive them, s/he may still be eligible for the death gratuity (see below).

Compensation is claimed on Form CA-5, Claim for Compensation by Widow, Widower, and/or Children submitted with the death certificate, marriage certificate, and birth certificate or adoption documents for each child. (The claimant has three years to file the claim. However, Form CA-6, Official Superior's Report of Employee's Death, must have been submitted to OWCP first.) If there are no children, an employee's surviving spouse will receive compensation at the rate of 50 percent of the employee's salary paid in 13 equal payments. If there are children, the spouse will receive 45 percent of the employee's salary and an additional 15 percent for each child up to a total of 75 percent of the salary in 13 equal payments per year. If there is no surviving widow or widower, compensation for the first child is 40 percent of the employee's monthly salary, with 15 percent paid for each additional child up to the maximum of 75 percent, money to be divided equally between the children. All workers' compensation payments are tax exempt.

Compensation for a child ceases when the child marries or reaches age 18 (or age 23 if unmarried and a full-time student who has not completed four years education beyond high school) unless the child is incapable of self-support due to physical or mental disability. In certain cases, compensation may be paid for dependent parents, grandparents, brothers, sisters, and/or grandchildren. Burial expenses up to \$800 may be paid, with any payment made by the Veteran's Administration deducted. Whether or not any funeral or burial expenses are paid, the personal representative of a deceased federal employee may also be entitled to \$200 for reimbursement of the costs of termination of the decedent's status as an employee of the U.S. Government. Original itemized funeral and burial bills must be submitted along with Form CA-5.

Once the Department of Labor has approved the claim for compensation, a death gratuity is payable to the survivor in accordance with the Foreign Service Act section 413 (3 FAM 3650). The death gratuity equals one year's salary at the time of death paid to the widow or widower or, if none, to the dependent parent(s) in equal shares. This is a one-time benefit that is payable even if the survivor waives Workers' Compensation and elects to receive an annuity under FSRDS or FSPS.

Survivors of Department of State employees should work through the Office of Employee Relations to submit claims to the Office of Workers Compensation. Survivors of AID employees should work through the Office of Labor Management Relations; APHIS through the Human Resources Division; and Foreign Agricultural Service and Foreign Commercial Service through the Office of Foreign Service Personnel.

Death from terrorist action.

Public Law 98-259 (and amendments to the law in the Tax Reform Act of 1984) added section 692c to the Internal Revenue Code. This section exempts from federal income taxes certain military and civilian employees of the United States who die as a result of injuries sustained overseas in a terrorist or military action. The exemption applies to the taxable year in which the death occurs and to any prior taxable year beginning with the last year ending before the year in which the wounds or injuries were received.

A December 1984 Letter of Understanding between the Department of State, the Department of Defense, and the Internal Revenue Service established the specific procedures for processing tax returns of individuals covered by the law. All returns and claims for refunds must be accompanied by IRS Form 1310, Statement of Person Claiming Refund Due a Deceased Taxpayer, and certification from the Department of State (in the form of a letter signed by the Director General of the Foreign Service or his or her delegate) that the death was a result of a terrorist or military action outside the United States. The Internal Revenue Service has designated representatives in their district offices who will answer tax questions and assist in preparing original and amended returns for individuals covered by the law.

The Department of State's Office of Casualty Assistance (OCA) can assist families of all foreign affairs agencies when an employee dies regardless of cause. This assistance can be particularly helpful when death is due to an act of international terrorism. OCA can help identify the needs of families, research answers to questions families may have, and refer families to other offices and services within the Department, at another agency, or in the community that may be of assistance. OCA can also be an advocate for families. (See contact information below).

Personal papers and documentation.

A survivor is faced immediately with the need to locate personal papers and provide information. The following list offers an idea of the range of documents and information needed after a death:

- Letter of last instruction (if one was prepared)
- Certificate of Death (at least 15 certified copies). OF-180 if death occurred abroad
- Birth certificate of deceased
- Birth/adoption certificates of survivors (including children)
- Marriage certificate and divorce decree(s), if husband or wife were previously married
- Change of name decree for anyone in family who has one
- Military discharge certificate if deceased has military service
- Wills
- Insurance policies: life, accident and health, disability
- Name, address, and telephone number of lawyer, insurance agent, stockbroker, employer, real estate agent, accountant
- Business contracts
- Bank books, notes receivable, notes payable, stocks, bonds, securities
- Pension plans
- Real estate deeds, closing statements for house, receipts for property taxes

- Income tax returns and receipts for previous six years, W-2 forms, and other records of earnings
- Social security numbers
- Automobile registration
- Information on debts, charge accounts, loans, etc.
- Naturalization papers

A funeral director will ask for name, and home address of the deceased; how long in state; date and place of birth; citizenship; date and place of marriage and marriage license; deed to cemetery lot; occupation and title; social security number; employer's name, address, telephone; father's and mother's names, places of birth, places of burial.

A life insurance agent or company representative will ask for policy numbers and amounts; full name and address of deceased; occupation and date last worked; date and place of birth and sources of birth information; date, place, cause of death; claimant's name, age, address, and social security number. Additionally, the claimant may be asked for details of health history and/or nature of injuries of the deceased, identities of attending physicians and of person who had possession of the life insurance policy.

RESOURCES

Organizations

Department of Labor

For a location closest to you, reference <http://www.dol.gov/dol/location.htm>.

Department of State

Employee Consultation Services (M/MED/ECS)

Office of Medical Services Main Office

Room H246

Columbia Plaza

Department of State

Washington, DC

Tel: (202) 663-1815

Fax: (202) 663-1456

Intranet: <http://hrdevweb.hr.state.gov/FLO/train/specialecs.html>

E-mail: MEDECS@state.gov

Employee Relations (HR/ER)

Room H-236

Columbia Plaza

Department of State

Washington, DC

Worker's Compensation/Leaves Coordinator:

Tel: (202) 261-8171

Fax: (202) 261-8182

Intranet: <http://hrweb.hr.state.gov/er/>

Employee Services Center (A/OPR/GSM/ESC)

(formerly Foreign Service Lounge)

Room 1252

Harry S. Truman Building

Department of State

Washington, DC

Tel: (202) 647-3432

Intranet: <http://aoprqsm.a.state.gov/esclounge.htm>

Family Liaison Office (M/DGHR/FLO)

Support Services Officer

Room 1239

Harry S. Truman Building

Department of State

Washington, DC

Tel: (202) 647-1076 or (800) 440-0397

Fax: (202) 647-1670

Internet: <http://www.state.gov/m/dghr/flo/>

Intranet: <http://hrweb.hr.state.gov/flo/index.html>

E-mail: flo@state.gov

Office of Casualty Assistance (M/DGHR/OCA)

Room 1241

Harry S. Truman Building

Department of State

Washington, DC

Tel: (202) 736-4302

Fax: (202) 647-5313

Intranet: <http://hrweb.hr.state.gov/oca/index.html>

E-mail: oca@state.gov

Office of Medical Services (M/DGP/MED)

Room L 209

Columbia Plaza

Department of State

Washington, DC

Tel: (202) 663-1611

Intranet: <http://med.state.gov/>

Office of Retirement (HR/RET)

Room H-620 Columbia Plaza

Department of State Washington, DC

Tel: (202) 261-8960 Fax: (202) 261-8988 and (202) 663-3946

Intranet: <http://hrweb.hr.state.gov/ret/Index.html>

Overseas Briefing Center (M/FSI/TC/OBC)

Transition Center

George P. Shultz National Foreign Affairs Training Center

Room E2126

4000 Arlington Blvd.

Arlington, VA

Tel: 703-302-7277
Fax: 703-302-7452
Intranet: <http://fsi.state.gov/fsi/tc>
Internet: <http://www.state.gov/m/fsi/tc>
E-mail: FSIOBCInfoCenter@state.gov

Family Liaison Office Publications

The Foreign Service Family and Divorce
<http://hrweb.hr.state.gov/flo/worklife/Paper25.pdf>

Family Contingency Planning
<http://hrweb.hr.state.gov/flo/worklife/contingency.html>

Contingency Planning for Single Parents and Tandem Couples with Children
<http://hrweb.hr.state.gov/flo/policy/PAPER06.pdf>

Welcome Back: Evacuation Packet
<http://hrweb.hr.state.gov/flo/policy/paper34.pdf>

Evacuation Plan: Don't Leave Home Without It!
<http://hrweb.hr.state.gov/flo/policy/paper10.pdf>

Office of Casualty Assistance Publications

- Children's Reaction to Trauma
- When a Member of the Foreign Service Dies Overseas
- In the Aftermath of a Terrorist Incident

EMERGENCY TELEPHONE NUMBERS

In the event of serious illness or a sudden death in your family, use the following telephone numbers (all office hours are Eastern Standard Time):

Agency for International Development Employees:

Illness/Death

During Duty Hours—from 8:45 a.m. to 5:30 p.m. weekdays:
Call 202-712-5573, Personnel Office or 202-712-0891.

After working hours, weekends, and holidays:
Call 202-647-1512, State Department Operations Center.

Animal, Plant, and Health Inspection Services Employees:

Illness/Death

During Duty Hours—from 7:00 a.m. to 4:30 p.m. weekdays:
Call 301-734-7550, International Programs, Resource Management Support Staff.

After working hours, weekends, and holidays:
Call 202-647-1512, State Department Operations Center.

Department of State Employees:

Illness During Duty Hours—from 8:15 a.m. to 5:00 p.m. weekdays: Call 202-663-1662, Office of Medical Services, Foreign Programs Desk. After working hours, weekends, and holidays: Call 202-647-1512, State Department Operations Center.

Death

During Duty Hours—from 8:15 a.m. to 5:00 p.m. weekdays:
Call 202-647-3432, Employee Services Center (formerly Foreign Service Lounge).
After working hours, weekends, and holidays:
Call 202-647-1512, State Department Operations Center.

Foreign Agricultural Service Employees:

Illness/Death

During Duty Hours—from 8:15 a.m. to 4:45 p.m. weekdays:
Call 202-720-6138, Office of Foreign Agricultural Affairs.
After working hours, weekends, and holidays:
Call 202-647-1512, State Department Operations Center.

Foreign Commercial Service Employees:

Illness During Duty Hours—from 8:15 a.m. to 5:00 p.m. weekdays: Call 202-663-1662, State Department Office of Medical Services.
After working hours, weekends, and holidays:
Call 202-647-1512, State Department Operations Center.

Death

During Duty Hours—from 8:00 a.m. to 5:00 p.m. weekdays:
Call 202-482-2368, Commerce Department Office of Foreign Service Personnel.
After working hours, weekends, and holidays:
Call 202-647-1512, State Department Operations Center.

Peace Corps

Report medical emergencies to Medical Services at 202-482-4584, 24 hours a day
Report death to Special Services at 202-692-1470.
After working hours, call 202-638-2574.

Department of State Emergency Notification Procedure cards are available at the Employee Services Center and the Overseas Briefing Center.

State Department Information: 202-647-4000

SAMPLE JOINT PROPERTY STATEMENT

We declare that the property being stored at government expense is the joint property of _____ and _____ and either party may have access to these effects.

1. Date:

Signature:

2. Date:

Signature:

Name of storage company:

Address:

Date entered into storage:

Invoice No.

Notarized by:

Date:

SAMPLE AUTHORIZATION TO RECEIVE GOODS SHIPPED FROM POST

I declare that the property being shipped from (name of post)

to (destination)

under Travel Authorization #_____may be delivered

to: (name)

Employee Signature:

Date: